

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 1: Chama Mainstream

Acequia de Chamita
Subfile No. 267

**CONSOLIDATED EXHIBIT LIST OF STATE OF NEW MEXICO
AND DAVID M. ORTIZ AND CECILIA S. ORTIZ IDENTIFYING EXHIBITS
THAT THE PARTIES HAVE STIPULATED ARE ADMISSIBLE**

EXHIBITS BY STATE OF NEW MEXICO.

1. John O. Baxter, Spanish Settlement at the Pueblo of San Juan, March 2012.
2. Resume of John O. Baxter, PhD.
3. D. C. Cutter, "The Western Spanish Borderlands," brief biographies of Borderlands scholars.
4. H. H. Bancroft, *History of Arizona and New Mexico*, Oñate at San Juan.
5. Hammond and Rey, *Don Juan de Oñate*, "Act of Obedience and Vassalage."
6. Archives of the Indies, original copy of "Act of Obedience and Vassalage" (1598).
7. H. E. Bolton, *Spanish Exploration*, inventory of relevant documents from the Spanish archives.
8. Original handwritten copy of the *Ytinerario* (1598).
9. A. F. Bandelier, *Final Report*, Oñate at San Gabriel.
10. Hammond and Rey, *Don Juan de Oñate*, testimony of Vincente Zaldívar (1602) re Oñate at San Gabriel.

11. Hammond and Rey, testimony of two witnesses (Juan de León , Juan Rodríguez) (1602) re Oñate at San Juan.
12. Fray Juan de Torquemada, *Monarchia Indiana* (1615), settlement at San Gabriel.
13. R. E. Twitchell, *Leading Facts*, settlement at San Gabriel from Bandelier.
14. B. M. Read, *Illustrated History*, settlement at San Juan from Bancroft.
15. Gaspar Pérez de Villagrà, *Historia de la Nueva México*, Oñate at San Juan.
16. H. E. Bolton, *Spanish Exploration*, settlement at San Juan.
17. Hammond and Rey, Hammond's trip to Spain for research.
18. Archives of the Indies, printed copy (1871) of *Ytinerario*, *Patronato*, legajo 22.
19. Hammond and Rey, translation of the *Ytinerario*.
20. Hammond and Rey, mutiny of the colonists, statements from Captain Luis Velasco and Fray Juan de Escalona (1601) re problems with agriculture and shortage of food.
21. Hammond and Rey, Ginés Herrera de Horta, testimony (1601) re rebellious colonists.
22. Marc Simmons, *The Last Conquistador*, relocation of headquarters from San Juan to San Gabriel.
23. Hammond and Rey, arrival of reinforcements, Christmas Eve, 1600.
24. Hammond and Rey, testimony of Diego de Zubía, Alferez Leonís Tremiño de Bañuelos and Fray Francisco de San Miguel presented to the Audiencia, April, 1602.
25. M. E. Jenkins, "Oñate's Administration," opinion re San Gabriel.
26. Hammond and Rey, testimony by Capitan Luis Velasco (1601) re first settlement by Oñate.
27. Simmons, *The Last Conquistador*, discussion of location, first acequia.
28. S. M. Hordes, Memorandum, opinions re first headquarters and acequia.
29. D. R. Littlefield, *Conflict on the Rio Grande*, origins of massive diversion project on lower Rio Grande.

30. W. W. Follet, *Irrigation on the Rio Grande*, inventory of New Mexico acequias with official report.
31. Office of the State Engineer water rights files, Alcalde Community Ditch.
32. Florence Hawley Ellis, *The Lost "City" of San Gabriel de Yunque, Second Oldest European Settlement in the United States* (October, 1984).
33. Florence Hawley Ellis, *San Gabriel de Yunque, As Seen by an Archeologist*, (1989).
34. Florence Hawley Ellis and Andrea Hawley Ellis, *A Window on San Gabriel del Yunque* (July, 1992).
35. Rebuttal exhibit to Defendants' Exhibit O; additional pages to Gordejuela Inspection and measurement table from Northern New Spain, a Research Guide.

EXHIBITS BY DEFENDANTS DAVID M. ORTIZ AND CECILIA S. ORTIZ.

Exhibits from Hammond/Rey, Onate the Colonizer of New Mexico.

- A. Investigations of Conditions in New Mexico. Investigation made by Valverde by Order of the Viceroy, Count of Monterey, regarding conditions in the provinces of New Mexico, July, 1601, of some Captains and soldiers who had come in the first days of June to New Spain to bring some letters and reports from Governor Onate.
- B. Breaking Camp at San Gabriel/Desertion of the Colony. Friars and Captains are asked why they want to desert San Gabriel. (9-7-1601)
- C. Report of the people who remained in New Mexico. Appointment of Capitan Geronimo Marquez to report to the Viceroy on the situation of New Mexico and testimony of rebuttal Witnesses, asked 20 questions in regard to this matter. San Gabriel, October 2, 1601. Questions 13 & 14 have to deal with planting, harvesting and irrigating.
- D. Instructions to Onate/Laws of the Indies. Instructions to Onate/ Contract/ Royal Ordinances of Indies. Oct.21, 1595. (Ordinance 1 & 2)
- E. Alonso de Onate seeking fulfillment of the Contract. Onate had prepared for

farming. (Ordinance 39)

- F. Relations with the Indians. Induce Indians, to live in Spanish homes & work Spanish farms. (Ordinance 136)
- G. Onate to the King. Onate had made a careful study and learned of New Mexico, 1595.
- H. Onate had prepared to farm, buys flour for food and wheat for sowing, February 7, 1597.
- I. Act of taking possession by Onate, April 30, 1598. All lands he would set foot on would become Spain's.
- J. Onate had chosen this place they had settled, in the province of the Teguas. Province was the Judicial District.
- K. Onate Itinerary, July 4, p320 to Oct. 23, p324. The Acequia. (Ordinance 5, 14, 34, 35, 39, 40, 42, 104,105,106, 107, 110, 111, 131, 132, 133, 134)
- L. Act of Obedience & Vassalage by Indians of San Juan, September 9, 1598. Included San Juan Bautista, San Gabriel and the city of San Francisco de los Espanoles, which is being built now.
- M. Nine (9) witnesses bringing charges against Onate. They describe Onate having his own house, garden & vegetables, early 1599? (Ordinance 104)
- N. Nunez, 1600, had harvested wheat for food and had replanted, 11-30-1600. See p 490-1, Zubia letter, March 4, 1599.
- O. August, 1600, Gordejuela Inspection. Supplies & Reinforcements. No masses of food aid for the starving colonizer's, need reinforcements and religious ornaments and instruments, wine, etc.
- P. Captain Cessar arrives in San Gabriel in 1598, September 7, 1601. He had started with Onate in 1595.

- Q. True Report based on Onate's letters. Cultivate wheat, sown & harvested & a flour mill, 3-22-1601.
- R. Velasco to the Viceroy. 3 years in San Gabriel, March 22, 1601. He is Captain Sanchez son-in-law.
- S. Merits & services of Zaldivar, witnesses Leon & Rodriguez give almost identical testimonies, includes San Gabriel? April, 22, 1602.
- T. Captain Bocanegra, San Gabriel, April 26, 1602.
- U. Marquez gives testimony at the pueblo of San Juan, 1-29-1598. See Exh.C. Marquez prepares the inquiry of the 20 Questions. Planting, harvesting, irrigating at San Gabriel previous 3 years?
- V. Captain Sanchez reached camp of San Gabriel on August 18, 1598 with Royal Army. San Juan or San Gabriel or both? See Exh.EE & TT.
- W. Sanchez at Acoma trial, "whole army and Friars in San Gabriel requested punishment of Acoma". Official investigation by the Audencia, 4-18-1602.

1973 Laws of the Indies.

- X. Partial List of Ordinances for Discovery & Colonization.

Settled History & secondary sources.

- Z. Remembering San Gabriel, When Cultures meet, San Gabriel del Yunge Oweenge/Historian Myra Ellen Jenkins.
- DD. A Window on San Gabriel, F H Ellis. Archeologist/ Historian on San Gabriel, p 175-6.
- EE. San Gabriel del Yunque, Archeologist, F H Ellis provides ethnographic clarification on San Gabriel/San Juan.
- FF. Apaches de Navajo. Schaafsma clarifies Yuque-Yunque.

LL. Enlarged Sixteenth Century Map. Baxter Exhibit 4, p 137, 16 Century map show San Gabriel/San Juan de los Caballeros in the Chama confluence.

Historical Poetry/Villagra

MM. Various excerpts from the Poet/ Historian Gaspar Perez de Villagra, in New Mexico about 1 year. Encinas, Rodriguez, Sanchez.

Torquemada Libro Quinto, cap. XXXVII & XXXX

NN. Baxter's Exhibit 12 of Torquemada. Fray Torquemada, Onate settlement in San Gabriel and its Indians. Velazquez helps Ortiz translate.

Misc.

WW. Enrico Martinez 1602 Map of Spanish Domain. (Not to scale, drawn freehand, not accurate).

BBB. Father Escobar Dairy & Report Oct.27, 1605, since the establishment of the headquarters at the villa called San Gabriel, more than 9 years earlier. (see note 11)

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

telephonic approval 01/16/2013

DAVID M. ORTIZ, pro se
CECILIA S. ORTIZ, pro se
P.O. Box 1082
San Juan Pueblo, NM 87566
(505) 852-2469

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of January 2013, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated.

Via first class mail, postage prepaid addressed as follows:

David Ortiz
Cecilia Ortiz
P.O. Box 1082
San Juan Pueblo, NM 87566

/s/ Ed Newville
EDWARD G. NEWVILLE